

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

CASE NO. 3:18-MD-02843-VC

**DECLARATION OF ALEXANDER
SWANSON IN SUPPORT OF FACEBOOK,
INC.'S UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME AND PAGE
LIMIT FOR STATEMENT IN SUPPORT
OF SEALING**

1 I, Alexander P. Swanson, hereby declare as follows:

2 1. I am an associate at the law firm of Gibson, Dunn & Crutcher LLP, counsel of record
 3 for Facebook, Inc. (“Facebook”) in the above-captioned matter. I am a member in good standing of
 4 the State Bar of California. I submit this declaration in support of Facebook’s Unopposed Motion For
 5 An Enlargement Of Time And Page Limit For Statement In Support Of Sealing. I make this declaration
 6 on my own knowledge, and I would testify to the matters stated herein under oath if called upon to do
 7 so.

8 2. On December 23, 2021, Facebook filed a Notice of Appeal of Special Master Daniel
 9 Garrie’s Amended Order Re: Plaintiffs’ Motion To Compel Production Of Plaintiff Data (“Amended
 10 Order”). Dkt. 780. Facebook attached an Appellate Record of all underlying materials related to the
 11 Special Master’s Amended Order, including the Special Master’s orders and attached exhibits, as well
 12 as the parties’ submissions to JAMS. Dkt. 780-1. The Appellate Record is approximately 4,500 pages,
 13 and includes over 3,000 pages of materials that Facebook has designated Confidential or Highly
 14 Confidential – Attorneys’ Eyes Only under the Protective Order, Dkt. 122, as well as several documents
 15 the Court has already ordered sealed in this action.

16 3. Facebook filed an Administrative Motion To File Under Seal the Appellate Record.
 17 Dkt. 779. Under the Stipulated Order Appointing Special Master, Facebook is permitted seven days to
 18 submit support for its Administrative Motion To File Under Seal. *See* Dkt. 734 ¶ 6. Due to the
 19 intervening holidays and large volume of materials in the Appellate Record, Facebook noticed in its
 20 Administrative Motion that it would submit supporting papers by January 11, 2022. Dkt. 779 at 1.

21 4. After further consideration and review of the materials contained within the Appellate
 22 Record, and because of the large volume and sensitivity of these materials, an additional week is
 23 necessary to conduct a thorough review of the Appellate Record and prepare a statement and
 24 declaration in support of sealing. With this extension, the statement and declaration in support of
 25 sealing material in the Appellate Record for the Amended Order would be due on January 18, 2022.
 26 Additionally, because the Appellate Record contains a large and varied collection of sensitive
 27 materials—all of which must be discussed and supported within Facebook’s statement and declaration

1 in support of sealing—an enlargement of the page limit for its statement in support of sealing from five
2 pages to ten pages is also necessary.

3 5. On January 4, 2022, I contacted Plaintiffs' Counsel to inquire whether they would
4 oppose Facebook's request for a one-week extension and whether they would be willing to stipulate
5 to the extension. Plaintiffs' counsel informed me that they do not oppose Facebook's request for a
6 one-week extension to submit supporting materials for its Administrative Motion. On January 5,
7 2022, I contacted Plaintiffs' Counsel to inquire whether they would oppose Facebook's request for a
8 five-page enlargement of the page limit for its statement in support of sealing. Plaintiffs' counsel
9 informed me that they do not oppose Facebook's request for an additional five pages.

10 6. Attached as Exhibit A is a true and correct copy of my correspondence with
11 Plaintiffs' Counsel concerning Facebook's request for an enlargement of time and the page limit.

12 7. Although Facebook initially noticed an additional seven business days to submit
13 materials in support of sealing, the parties have not previously requested the Court enlarge the time
14 for Facebook to submit materials in support of sealing in regard to Facebook's Administrative
15 Motion To File Under Seal Appellate Record Of Appeal Of Special Master's Amended Order Re:
16 Plaintiffs' Motion To Compel Production Of Plaintiff Data (Dkt. 779).

17 8. Granting an enlargement of time by one week will not affect the schedule of the
18 action.

19
20 I declare under penalty of perjury under the laws of the United States of America that the
21 foregoing is true and correct. Executed on January 6, 2022 in South Pasadena, California.

22
23
24
25
26
27
28



Alexander P. Swanson